

In the matter of

State of Oklahoma, ex rel., A. Drew Edmondson in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, C. MILES TOLBERT, in his capacity as the Trustee for Natural Resources for the State of Oklahoma, Plaintiffs

v.

Tyson Foods, Tyson Poultry, Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Cal-Maine Farms, Inc. Cargill, Inc., Cargill Turkey Products, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willowbrook Foods, Inc., Defendants.

CASE NO. 05-CV-329- GFK-SAJ

in the United States District Court
for the Northern District of Oklahoma

Expert Report

of

J. Berton Fisher, Ph.D., CPG, RPG (TX #0201; MS#0301)
Lithochimeia, Inc.
110 West 7th Street, Suite 105
Tulsa, Oklahoma 74119
May 15, 2008



Cobb-Vantress: In 1961, Cobb-Vantress opened a hatchery in Siloam Springs, Arkansas, which became Cobb's international headquarters in the late 1980s. In 1994, Tyson Foods, Inc. acquired 100% of Cobb's stock from the Upjohn Company.²⁵

Peterson Farms: In 1939, Lloyd Peterson began the Peterson Produce and Hatchery Company. In 1947, the company changed its name to Peterson Industries. By 1952, the company had an incubator capacity of 356,000 and was hatching 75,000 chicks each week. Additionally, the company had a breeding farm with a capacity of 44,000 birds and an experimental farm with a capacity of 25,000 birds. The company's feed mill could produce 80 tons/8-hour shift. Peterson Farms began broiler processing in 1963. In 1966 Peterson Industries formed Decatur Foods, a processing and marketing company that at that time processed 250,000 birds per week.²⁶

Simmons: Simmons' history in the Illinois River Watershed area begins in 1949 when M. H. "Bill" Simmons and a partner, Frank Pluss, purchased a converted motel to form Pluss

CARTP082823, CARTP082849, CARTP082863, CARTP082877, CARTP082904, CARTP082917, CARTP082930, CARTP082947, CARTP082964, CARTP082981, CARTP082998, CARTP083015, CARTP083032, CARTP083049, CARTP083066, CARTP083083, CARTP083100, CARTP083117, CARTP083134, CARTP083151, CARTP088204, CARTP088271, CARTP088319, CARTP088449, CARTP088507, CARTP091380, CARTP091489, CARTP091591, CARTP091654, CARTP091737, CARTP091828, CARTP091855, CARTP091942, CARTP092020, CARTP092111, CARTP092173, CARTP092253, CARTP092382, CARTP092528, CARTP092602, CARTP092703, CARTP092788, CARTP092980, CARTP093059, CARTP093150, CARTP093199, CARTP093289, CARTP093428, CARTP093516, CARTP093603, CCA00016, CCA00017, CM000000354, CM000000427, CM000000430, CM000000444, CM000000699, CM000000703, CM000000848, CM000001044, CM000001058, CM000001294, CM000001372, CM000001378, DCA00026, OKDA01107, OKDA02994, OKDA06302, OKDA10055, OKDA1124, OKDA15917, OKDA16237, OKDA17587, (note OKDA prefix records are also within PI-Fisher00027498-00031831)OK-PL-0000004, OK-PL-0000251, OK-PL-0000632, OK-PL-0001109, OK-PL-0001506, OK-PL-0001875 thru OK-PL-0001924, OK-PL-0002541 thru OK-PL-0002591, OK-PL-0002592 thru OK-PL-0002642, OK-PL-0002696 thru OK-PL-0002747, OK-PL-0002850 thru OK-PL-0002900, OK-PL-0002870, OK-PL-0002952 thru OK-PL-0003003, OK-PL-0003004 thru OK-PL-0003054, OK-PL-0003055 thru OK-PL-0003105, OK-PL-0003712, OK-PL-0003823, OK-PL-0003835, OK-PL-0003854, OK-PL-0003862, PFIRWP-000186, WCA000192, WCA000193, WCA000195, WCA000196, WCA000198, WCA000199, ODAFF Database ID 1032, ID 260, ID 294, ID 432, ID 532, ID 727, ID 732, ID 789.

²⁵ <http://www.cobb-vantress.com/AboutUs/CobbHistory.aspx>.

²⁶ This discussion is drawn from Crisp, H. 1989. Lloyd Peterson and Peterson Industries, An American Story. August House, Little Rock; <http://www.petersonfarms.com>.